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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/740,735	12/18/2000	Donald F. Gordon	19880-004300	4189

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Truong T. Dinh  
DINH & ASSOCIATES  
2506 Ash Street  
Palo Alto, CA 94306

EXAMINER

COURTENAY III, ST JOHN

ART UNIT	PAPER NUMBER
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2126

DATE MAILED: 06/10/2004

6

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No. **09/740,735**

Applicant(s) **GORDON ET AL.**

Examiner **St. John Courtenay III**

Art Unit **2126**

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**


- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

  
**ST. JOHN COURTENAY III**  
**PRIMARY EXAMINER**

### Detailed Action

1. Objection to the specification

The Examiner requests that Applicant amend the specification to provide current patent numbers, if known, for the commonly assigned applications listed on pages 5 and 6 of the specification.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1- 29 are rejected under 35 U.S.C. § 102(e) as being anticipated by **Sampat et al.** (U.S. Patent 6,279,029).

**As per independent claim 1:**

**Sampat** teaches a method for providing user interfaces for a plurality of services offered by an information distribution system, comprising:

- providing a first application to support a first user interface for a first service [see Program Guide Window 300 and associated discussion beginning col. 5, line 36 & line 65];
- providing a second application to support a second user interface for a second service [see user interface 200 and associated discussion beginning col. 5, line 14 & line 66]

- coordinating passing of control between the first and second applications via a control mechanism [see col. 5, discussion beginning line 65: "After the user selects a desired channel, the Program Guide window 300 is closed and user interface 200 is configured in accordance with the components of the selected channel. For example, referring now to FIGS. 6, 7, and 8, there are shown preferred embodiments of the user interface 200 for selected channels consisting of only video, only audio, and only text, respectively." ].

**As per independent claim 24:**

**Sampat** teaches a method for providing interactive program guide (IPG) and video-on-demand (VOD) user interfaces for IPG and VOD services, comprising:

- providing an IPG application to support the IPG user interface for the IPG service [see Program Guide Window 300 and associated discussion beginning col. 5, line 36 & line 65];
- providing a VOD application to support the VOD user interface for the VOD service [see user interface 200 and associated discussion beginning col. 5, line 14 & line 66; see also video sources discussion col. 4, lines 7-37];
- maintaining IPG and VOD message queues for the IPG and VOD applications, respectively [e.g., see "queues of receive buffers that the user has posted using the DLM function call, col. 20, lines 26-29; see "Message output manager 2208 maintains a queue of buffers waiting to be output to the network" col. 19, lines 44-67; see also "In a server, process manager 2310 transmits packets from the send queue to the network" and associated discussion col. 24, beginning line 35]; and

- passing control to the IPG and VOD applications via messages provided to the IPG and VOD message queues, respectively [see col. 20, lines 26-29; col. 19, lines 44-67; and col. 24, beginning line 35].

**As per independent claim 25:**

**Sampat** teaches a terminal configurable to provide user interfaces for a plurality of services offered by an information distribution system, comprising:

- a first application operable to support a first user interface for a first service [see Program Guide Window 300 and associated discussion beginning col. 5, line 36 & line 65];
- a second application operable to support a second user interface for a second service [see user interface 200 and associated discussion beginning col. 5, line 14 & line 66]; and,
- means for passing control between the first and second applications [see col. 5, discussion beginning line 65: "After the user selects a desired channel, the Program Guide window 300 is closed and user interface 200 is configured in accordance with the components of the selected channel. For example, referring now to FIGS. 6, 7, and 8, there are shown preferred embodiments of the user interface 200 for selected channels consisting of only video, only audio, and only text, respectively." ].

**As per dependent claims 2 & 3:**

**Sampat** teaches maintaining first and second message queues for the first and second applications, respectively and passing control to the first and second applications via messages provided to the first and second message queues, respectively [see col. 20, lines 26-29; col. 19, lines 44-67; and col. 24, beginning line 35].

**As per dependent claim 4:**

**Sampat** teaches polling the first or second application to determine a status of the application [see polling discussion col. 36, lines 57-64].

**As per dependent claim 5:**

**Sampat** teaches polling for a status of the first or second application by providing a poll message to the first or second message queue, respectively [see polling discussion col. 36, lines 57-64].

**As per dependent claim 6:**

**Sampat** teaches providing a root application to support communication between the first and second applications and a lower layer [e.g., see "Real-Time Media Services API" shown in fig. 16, and associated discussion col. 10, line 54].

**As per dependent claim 7:**

**Sampat** teaches the communication between the root application and the first and second applications is achieved via a set of application programming interfaces (APIs) [e.g., see "Media Services Manager (MSM) API" and "Real-Time Media Services API" and associated discussion cols. 9 & 10].

**As per dependent claim 8:**

**Sampat** teaches the lower layer is a hardware layer [e.g., see "Real-Time Media Services API" shown in fig. 16, as coupled to the display and audio device drivers and associated discussion col. 10].

**As per dependent claim 9:**

**Sampat** inherently teaches each of the first and second applications is operable in an active state or an inactive state [see Program Guide Window 300 and associated discussion beginning

col. 5, line 36 & line 65; see user interface 200 and associated discussion beginning col. 5, line 14 & line 66; see also video sources discussion col. 4, lines 7-37].

**As per dependent claim 10:**

**Sampat** teaches an active application is operative to process key inputs, as Sampat teaches the use of Microsoft Windows controls [col. 4, line 56] that are used at least to process the entry of a credit card number [col. 5, line 63].

**As per dependent claim 11:**

**Sampat** teaches the first application transitions to the inactive state upon occurrence of any one of a plurality of events in a first set, and the second application transitions to the inactive state upon occurrence of any one of a plurality of events in a second set [see channel selection by user process, col. 5, discussion beginning line 65].

**As per dependent claim 12:**

**Sampat** inherently teaches the plurality of events in the first set includes a first set of key presses, and the plurality of events in the second set includes a second set of key presses [see user selection col. 2, lines 62 and 66].

**As per dependent claim 13:**

**Sampat** inherently teaches the first and second applications transition to the active state in response to receiving a launch message in the first and second message queues, respectively [see queue discussion col. 20, lines 26-29; col. 19, lines 44-67; and col. 24, beginning line 35].

**As per dependent claim 14:**

**Sampat** inherently teaches the first and second applications transition to the active state in response to receiving first and second key presses, respectively [see user selection col. 2, lines

62 and 66].

**As per dependent claim 15:**

**Sampat** inherently teaches providing a first link in the first user interface to activate the second user interface and providing a second link in the second user interface to activate the first user interface [see col. 20, lines 26-29; col. 19, lines 44-67; and col. 24, beginning line 35].

**As per dependent claims 16-18:**

**Sampat** inherently teaches modes of operation where only the first or second application, if any, is active at any particular moment, or, the first and second applications are each independently executed, or, the first and second applications are concurrently active or semi-active [see col. 5, line 14: i.e., using Windows controls to control the size and position of user interface 200; see also "Program Guide Window 300" and associated discussion beginning col. 5, line 36 & line 65].

**As per dependent claim 19:**

**Sampat** teaches the first application supports an interactive program guide (IPG) [see Program Guide Window 300 and associated discussion beginning col. 5, line 36 & line 65].

**As per dependent claim 20:**

**Sampat** teaches the second application supports video-on-demand (VOD) [see user interface 200 and associated discussion beginning col. 5, line 14 & line 66; see also video sources discussion col. 4, lines 7-37; also col. 7, lines 47-61].

**As per dependent claims 21-23:**

**Sampat** teaches the first and second applications are operable to overlay a channel information window with respect to an IPG user interface and a VOD user interface, as claimed [e.g., see "Hide Controls" menu option fig. 9, indicated that controls (i.e., channel



information) can be displayed as an overlay over the video window, and associated discussion].

**As per dependent claim 26:**

**Sampat** teaches a root application operable to support communication between the first and second applications and a hardware layer [e.g., see "Real-Time Media Services API" shown in fig. 16, and associated discussion col. 10, line 54].

**As per dependent claim 27:**

**Sampat** teaches first and second message queues operable to store messages for the first and second applications, respectively [see col. 20, lines 26-29; col. 19, lines 44-67; and col. 24, beginning line 35].

**As per dependent claim 28:**

**Sampat** teaches the means for passing control is implemented by providing messages to the first and second message queues, and wherein the first and second applications are operable to retrieve and process messages stored in the first and second message queues, respectively [see col. 20, lines 26-29; col. 19, lines 44-67; and col. 24, beginning line 35; see col. 5, discussion beginning line 65: "After the user selects a desired channel, the Program Guide window 300 is closed and user interface 200 is configured in accordance with the components of the selected channel. For example, referring now to FIGS. 6, 7, and 8, there are shown preferred embodiments of the user interface 200 for selected channels consisting of only video, only audio, and only text, respectively." ].

**As per dependent claim 29:**

**Sampat** teaches the first application supports an interactive program guide (IPG) [see Program Guide Window 300 and associated discussion beginning col. 5, line 36 & line 65], and the second application supports video-on-demand (VOD) [see user interface 200 and associated discussion beginning col. 5, line 14 & line 66].

Claims 30-31 are rejected under 35 U.S.C. § 102(e) as being anticipated by **Filletto et al.** (U.S. Patent 6,300,951).

**As per independent claim 30:**

**Filletto** teaches a terminal configurable to provide user interfaces for a plurality of services offered by an information distribution system, comprising:

- a first state indicative of a first application executing to support a first user interface for a first service [e.g., see "Window 1" shown as item 56 in Fig. 1 and associated discussion col. 2, line 43] ;
- a second state indicative of a second application executing to support a second user interface for a second service [e.g., see "Window 2" shown as item 54 in Fig. 1 and associated discussion col. 2, line 47];
- a third state indicative of the first and second applications being idle [e.g., see "minimized window " and associated discussion col. 2, beginning line 48]; and
- means for transitioning between the first, second, and third states [col. 2, see toggling between windowed applications discussion, lines 52-67].

**As per dependent claim 31:**

**Filletto** teaches the transitions between the first, second, and third states are in response to defined key presses [**Filletto** teaches a "control key or key combination" may substitute for the mouse button, col. 3, lines 4-8].

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**Prior Art not relied upon:**

Please refer to the references listed on the attached PTO-892  
which are not relied upon in the claim rejections detailed above.

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### **How to Contact the Examiner:**

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to **St. John Courtenay III** whose voice telephone number is **(703) 308-5217**. A voice mail service is also available at this number. Normal Flex work schedule: M – F 7:30 AM - 4:00 PM

- **All responses sent by U.S. Mail should be mailed to:**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

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### **Patent Customers advised to FAX communications to the USPTO**

<http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/faxnotice.pdf>

**Effective Oct. 15, 2003, ALL patent application correspondence transmitted by FAX must be directed to the new PTO central FAX number:**

**NEW PTO CENTRAL FAX NUMBER:  
703-872-9306**

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- Any inquiry of a general nature or relating to the status of this application should be directed to the **TC 2100 Group receptionist: (703) 305-3900.**

**Please direct inquiries regarding fees, paper matching, and other issues not involving the Examiner to:**

**Technical Center 2100 CUSTOMER SERVICE: 703 306-5631**

The Manual of Patent Examining Procedure (MPEP) is available online at:  
<http://www.uspto.gov/web/offices/pac/mpep/index.html>



**ST. JOHN COURTENAY III  
PRIMARY EXAMINER**